



1957

An Historical Comparison of the Federal Constitutions of the Achaean League and the United States of America

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Recommended Citation

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**AN HISTORICAL COMPARISON OF THE FEDERAL CONSTITUTIONS OF THE
ACHAEAN LEAGUE AND THE UNITED STATES OF AMERICA**

By

William Henry Hogan, S.J.

**A Thesis Submitted to the Faculty of the Graduate School
of Loyola University in Partial Fulfillment of
the Requirements for the Degree of
Master of Arts**

December

1957

VITA AUCTORIS

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CHAPTER I

THE ORIGIN AND GROWTH OF THE ACHAEAN LEAGUE

Among the cities of Greece which had become disunited through Macedonian influence were the cities of the Peloponnesian Achaea. If the half mythical history of the Dorian migration may be trusted, the Achaeans of Peloponnesus were the only independent remnant of that mighty race which, under the Pelopid Kings of Mycenae, had ruled over many islands and all Argos.¹ The Achaeans fill the most prominent place in the Greece of Homer and in the Greece of Polybius, but in the Greece of Thucydides they are utterly insignificant. Polybius, with a commendable national pride, collects several instances to show that, if they were insignificant in power, they were at least highly respected for upright and honorable dealing. No people in Greece bore a higher character either for discretion or for good faith, and they were more than once called upon to act as mediators in the dissensions of more powerful states.²

¹Homer, *The Iliad*, tr. A.T. Murray, (Loeb Classical Library), (New York, 1939), I, B, 108.

²Polybius, *The Histories*, tr. W.R. Paton, (Loeb Classical Library), (New York, 1927), II, 41.

That Achaea then contained twelve cities, democratically governed, and united by some sort of federal tie, admits of no doubt.³ But, as in the case of most of these early Greek federations, no detailed account of the old Achaean Constitution exists. There is, however, no reason for the supposition that it was a religious rather than a political union, a mere amphictyony to the temple of Poseidon at Helice.⁴ The whole history shows that a real federal union existed among them, and that, even then, the League sometimes extended itself to take in cities beyond the strict limits of Achaea. Early in the fourth century before Christ the Aetolian town of Calydon is not only found an Achaean possession, but admitted to the rights of Achaean citizenship and, consequently, enjoying all the political rights and

ἔμετέστησαν εἰς δημοκρατίαν τὴν πολιτείαν. λοιπὸν ἦδε τοὺς ἐξῆς χρόνους μέχρι τῆς Αλεξάνδρου καὶ Φιλίππου δυναστείας ἄλλοτε μὲν ἄλλως ἐχώρει τὰ πράγματ' αὐτοῖς κατατάς περιστάσεις, τό γε μὴν κοινὸν πολίτευμα καθάπερ εἰρήκαμεν, ἐν δημοκρατίᾳ συνέχειν ἐπειρῶντο. τοῦτο δ' ἦν ἐκ δώδεκα πόλεων.

They changed their government to a democracy. After this, down to the reigns of Alexander and Philip, their fortunes varied according to circumstances, but they always endeavoured, as I said to keep their League a democracy. This consisted of twelve cities. Ibid., II, 44.

4th In speaking of the Achaean League we must distinguish between two periods, an earlier and a later one. The former, though formed for mutual protection, was mainly of a religious character, whereas, the latter was pre-eminently a political confederation to protect the town against the domination of Macedonia." W. Smith, W. Wayte, and G.E. Marindin eds., "Achaecum Foedus", A Dictionary of Greek and Roman Antiquities, p. 8.

privileges of the original members of the League.⁵ Naupaktos also appears as held by the Achaeans, but on what terms is not so clear.⁶ In every account of these transactions the Achaean people are spoken of as one whole, acting with one will both in diplomatic and military affairs. They placed federal garrisons in cities endangered by the enemy,⁷ and commissioned federal ambassadors to federal states other than their own.⁸ At the same time it is easy to believe that the federal tie may have been much less closely drawn than it was in the revived confederation of later times.

Still that confederation, as shall be seen presently, was looked on as a mere revival of a past state of things interrupted

Ἐμετὰ δὲ τοῦτο οἱ Ἀχαιοὶ ἔχοντες Καλυδῶνα, ἣ τὸ παλαιὸν Αἰτωλίας ἦν, καὶ πολίτας πεποιημένοι τοὺς Καλυδωνίους, φρουρῖν ἡναγκάζοντο ἐν αὐτῇ.

After this the Achaeans, who were in possession of Calydon, in ancient times an Aetolian town, and had made the people of Calydon Achaean citizens, were compelled to keep a garrison there. Xenophon, Hellenica, tr. C.L. Brownson, (Loeb Classical Library), (New York, 1927), VI, 1.

⁵Demosthenes says (Philippic, III, 44) that Philip promised to take Naupaktos from the Achaeans and to give it to the Aetolians. Naupaktos, therefore, in 341 B.C. was a possession of the Achaean League.

⁷Xenophon, Hellenica, IV, 6, 1.

⁸πιεζόμενοι οὖν ὑπ' αὐτῶν οἱ Ἀχαιοὶ πρέσβεις πέμπουσιν εἰς τὴν Λακεδαίμονα.
Therefore, being hard pressed by them, the Achaeans sent ambassadors to Lacedaemon. Ibid., IV, 6, 2.

for a while by foreign interference. One is hardly entitled to judge whether it was from any laxity in the formal constitution, or only from the fluctuations of parties so common in all Greek states, that the Achaean League did not, any more than that of Acarnania, invariably act as a united body throughout the Peloponnesian War. When that war broke out, all the Achaean cities remained neutral, except Pellene, which took the side of Sparta;⁹ but at a later stage all twelve were enrolled as members of the Lacedaemonian alliance.¹⁰ Yet in an intermediate stage, Patrae, at least, is found on the side of the Athenian Empire and, under Athenian influence, extending herself by long walls to the sea.¹¹ During the wars of Epameinondas, Pellene adhered firmly to her Spartan policy, at a time when the other cities were, to say the least, less strenuous in the Spartan cause.¹² At the same time

⁹Πελοποννήσιοι μὲν οἱ ἐντὸς ἰσθμοῦ πάντες πλὴν Ἀργείων καὶ Ἀχαιῶν (τούτοις δὲ ἐς ἀμφοτέρους φιλία ἦν· Πελληνῆς δὲ Ἀχαιῶν μόνοι συνεπολέμουν τὸ πρῶτον)...

All the Peloponnesians south of the Isthmus with the exception of the Argives and Achaeans (these latter had friendly relations with both sides, and the Pellenians were the only Achaeans who at first took part in the war with the Lacedaemonians)... Thucydides, History of the Peloponnesian War, tr. C.F. Smith, (Loeb Classical Library), (New York, 1927), II, 9, 2.

¹⁰Ibid., VII, 34.

¹¹Ibid., V, 52.

¹²Xenophon, VII, 1, 15. Afterwards Pellene is found on the Theban side. Ibid., VII, 2, 11.

some glimpses of the internal state of the several cities may also be had. One reads of local oligarchies, which Epameinondas found and left in possession, but which the home government of Thebes thought good to expel, and to substitute democracies under the protection of Theban harmosts.¹³ This policy, however, did not answer the problem, as the large bodies of exiles thus formed contrived to recover the cities, and to bring them to a far more decided Spartan partisanship than before.¹⁴ But these oligarchies, probably introduced by Spartan influence, seem to have formed a mere temporary interruption to that general democratic character of the Achaean polity to which Polybius bears witness.

Certain it is that Achaea was democratic at the accession of Alexander. He established as Tyrant in Pellene one of her own citizens named Chaeron.¹⁵ How Pellene had offended the King of

¹³ἐνδυναστεύει ὁ Ἐπαμεινώνδας ὥστε μὴ φυγαδεύσαι τοὺς κρατίστους μήτε πολιτείαν μεταστήσαι...ὁδῆξε Θηβαίοις πέμψαι ἄρμοστας εἰς τὰς Ἀχαιδας πόλεις.

Epameinondas effected through his personal influence an arrangement that their opponents were not to banish the aristocrats or to change the form of government...the Thebans resolved to send governors to the Achaean cities. Ibid., VII, 1, 41.

¹⁴ἀλλαπροθύμως συνεμάχουν τοῖς Λακεδαιμονίοις...

But they fought zealously in support of the Lacedaemonians. Ibid., VII, 1, 42.

¹⁵This Chaeron is not the same as the Chaeron who is mentioned by Plutarch (Alexander, 3), as Grote thinks, for the latter was a citizen of Megalopolis, while both Pausanias and Athenaeus distinctly mark Chaeron the Tyrant as a citizen of Pellene.

Macedonia is not known, but it appears that the establishment of the tyranny was accompanied by the expulsion of a large proportion of the citizens.¹⁶ This seems to mark some special ground of quarrel with the particular city of Pellene; for Alexander would hardly have thus punished a single city for the share which all Achaea had taken in the resistance to his father at Chaeronea.¹⁷ The presence of this domestic Tyrant prevented Pellene from joining with the other Achaean cities in the movement against the Macedonian dominion set into motion by Agis, King of Sparta.¹⁸ After the disastrous battle in which Agis fell, the Achaeans and Eleans are said to have been condemned, by the anomalous body which then issued decrees in the name of Greece, to pay a hundred talents as indemnity to Megalopolis, which had embraced the Macedonian cause and had stood a siege at the hands of the allies.¹⁹

¹⁶Pausanias, Description of Greece, tr. W.H.S. Jones, (Loeb Classical Library), (New York, 1918), VII, 27, 7.

¹⁷Τῶν μὲν ἐν Χαιρωνείᾳ φιλίππου τ' ἐνδόντια οἱ Ἀχαιοί.
The Achaeans shared in the hostilities against Philip at Chaeronea. Ibid., VII, 6, 5.

¹⁸Ἡλεῖοι δ' αὐτοῖς [Λακεδαιμονίοις] συμμετεβάλλοντο καὶ Ἀχαιοὶ πάντες πλην Πελληναίων καὶ Ἀρκαδία πᾶσα πλην Μεγάρης πόλεως.

The Eleans and the Achaeans, all but the people of Pellene, had come over to them, (the Spartans) and so had all Arcadia except Megalopolis. Aeschines, Against Ctesiphon, tr. C.W. Adams, (Loeb Classical Library), (New York, 1919), p. 473.

¹⁹They were condemned by Alexander's synod at Corinth.

The establishment of Chaeron by Alexander was the beginning of the system which was more fully carried out by the succeeding Macedonian Kings. Cassander held several of the cities with his garrisons, which were driven out by Aristodemus, the general of Antigonus, from Patrae, Aigion, and Dyme.²⁰ In the case of Patrae and Aigion, this expulsion is spoken of by our informant as a liberation, but the Dymeians resisted the liberators in the cause of what the same historian calls their independence.²¹ Whatever may be said of this account, it at least points to a difference of political feeling in the different cities. Demetrius also, in the days when the son of the King of Asia gave himself out as the champion of Grecian freedom, expelled Cassander's garrison from Boura, and gave to that city also something which is spoken of as independence.²² But when Demetrius became King of Macedonia, he seems to have walked in the way of his predecessors, and both he and his son Antigonus are mentioned among the princes under whom some of the cities were occupied by Macedonian garrisons and others by local tyrants.²⁴

²⁰Diodorus, History, XIX, 66.

²¹...παρακλέσσαντες ἀλλήλους ἀντέχεσθαι τῆς αὐτονομίας

...calling to one another to preserve their independence...
Ibid., XIX, 68.

²²Ibid., XX, 103.

²³Polybius, II, 41.

At what moment the League definitely fell asunder is hard to say. The process, doubtless, was gradual; but as Antigonus Gonatas, is mentioned among the kings who had a hand in the evil work; and, as it was at no very advanced stage of his reign that the cities began again to draw together, it would seem that the period of complete isolation cannot have been very long, and that the work of reunion must have been found proportionately easy. Antigonus Gonatas first began to play a prominent part during his father's lifetime, about 288 B.C., when he was left in command of Demetrius' garrisons in Greece.²⁴ This was probably the time when Antigonus completed the dissolution of the League.

The twelve cities of the original League, as enumerated by Polybius,²⁵ were Helice, Olenus, Patrae, Dyme, Pharae, Tritaea, Leiontium, Aegium, Aegira, Pellene, Boura, and Caryneia. Of these Helice seems to have been originally the most important; its great temple to Poseidon was the seat of the religious meetings²⁶ of the Achaean people, and the city was probably also the seat of the federal government. However, this is not necessarily true, for Coroneia was the religious center of Boetia, while Thebes was

²⁴Pausanias, Description of Greece, tr. W.H.S. Jones, (Loeb Classical Library), (New York, 1918), VII, 9, 1.

²⁵Polybius, II, §1.

²⁶Strabo, The Geography of Strabo, tr. H.L. Jones, (Loeb Classical Library), (New York, 1927), VIII, 7, 2.

was the political head. But Helice was swallowed up by an earthquake, and its site covered by the sea, long before the dissolution of the old League. This destruction is ascribed by Pausanias to the wrath of Poseidon at some suppliants being dragged away from his altar.²⁷ In this, as Bishop Thirlwall says, "we perceive a symptom of some violent political agitation."²⁸ Olenus was also deserted by its inhabitants²⁹ at some time before the revival of the League. Some authors, as Abbe de Mably,³⁰ maintain that Olenus survived till Roman times, and refused to join the revived Achæan League. But there can be no doubt that Bishop Thirlwall is right. Had Olenus remained as a considerable city during the time of the second League, one could hardly fail to have come across some mention of it in the history of Polybius. And Polybius himself distinctly implies that Olenus had perished before his day.³¹ It is an important point in the federal history that the revived League was joined by all the Achæan cities which

²⁷Pausanias, VII, 24, 6.

²⁸Cannop Thirlwall, History of Greece, (London, 1852), VIII, 90.

²⁹Abbe de Mably, Observation sur la Histoire Grec, (Paris), p. 31.

³⁰Thirlwall, VIII, 90.

³¹Polybius, II, 41. Although Polybius mentions Olenus in later sections of his History of Greece, it is always in connection with an event which took place before the revived League.

still existed.

When the Achaean League was revived after its dissolution by Antigonus Gonatas, only ten cities of the original League remained. Of these, since the loss of Helice, Aegium was the most important.³² It was the seat of the federal government under the revived League in the very latest times,³³ as it most probably had been during the later days of the earlier one.

Of the exact nature of the federal union under the old system of the titles and duties of the federal magistrates, nothing is known. In a curious story told by Strabo when recording the destruction of Helice, a distinct mention is found of the Federal Assembly as something appealed to and passing a vote, but it is also noted that the vote was distinctly disobeyed by the contumacious city of Helice. The "Ionians expelled from Helice", that is, probably their descendants in Asia, asked either for the actual image of Poseidon, or at least for leave to make a model of it. The people of Helice refused and the Ionians appealed to the federal body. If one can trust the details of such a story, the word $\pi\acute{\epsilon}\mu\phi\alpha\iota$ might imply that the Federal Assembly was in session, and not at Helice.³⁴

³²Pausanias, VII, 7, 2.

³³Ibid., VII, 24, 4.

³⁴Strabo, VIII, 7, 2.

Thus, at the time of the Gaulish invasion, ten Achaean cities existed, but there was no Achaean League. The ten cities were ten distinct political units, some of which were held by Macedonian garrisons, others by local tyrants. It was the interest of every Macedonian prince to prolong this state of things; it was the interest of every Achaean, and indeed of every Greek, to put the speediest possible end to it. At last the favorable moment came. Several of the kings were dead; Pyrrhus was absent in Italy; Macedonia was in utter confusion.

The cities of Patrae and Dyme, which, since the desertion of Olenus, were the two most western cities of the Achaean shore, took the first steps towards the revival of the old confederacy.³⁵ The inland cities of Tritaea and Pharae soon joined them, and these four became the nucleus of the great federal republic of Peloponnesus. Their union was looked on so completely as a mere revival of a past lawful state of things that its terms were not publicly recorded on a pillar,³⁶ as was usually done with the treaties between separate Grecian states, and as was done in after-

³⁵Polybius, II, 41.

³⁶καὶ πρῶτοι μὲν συνέστησαν Δυμαῖοι, Πατρεῖς, Τριταεῖς, Φαραεῖς· δίοπερ οὐδε στήλην ὑπαρχειν συμβαίνει τῶν πόλεων τούτων περὶ τῆς συμπολιτείας.

The first cities to do so were Dyme, Patrae, Tritaea, and Pharae, and for this reason we do not even find any formal inscribed record of their adherence to the League. Ibid., II, 41, 12.

times on the accession of new cities to the League. Of the circumstances of their union nothing is known. Polybius does not mention the presence either of garrisons or of tyrants in these particular cities; his words might seem rather to imply that they were free from either scourge, but only that the circumstances of the time had led to an opposition of feelings and interests among them.³⁷

As to the next stages of the process this historian is more explicit. Aegium had a garrison, Boura and Caryneia were ruled by tyrants. Five years after the union of Patrae and Dyme, the people of Aegium themselves expelled their garrison and joined the union. Boura was freed, and its tyrant slain by the people of the city, aided by their already liberated brethren.³⁸ Iseas, the tyrant of Caryneia, watching the course of events and seeing that he would probably be the next to be attacked, voluntarily surrendered his power, and, having obtained security for his own safety, he annexed his city to what Polybius, now for the first time, calls by the proud title of the Achaeian League.³⁹

³⁷ συνέβη πόδας τὰς πόλεις χωρισθείας ἀφ' αὐτῶν ἐναντίως τὸ συμφέρον ἄγειν ἀλλήλαις.

All the cities separated from the League and began to act against each others' interest. Polybius, II, 41, 9.

³⁸ Ibid., II, 41, 14.

³⁹ προσέθηκε τὴν πόλιν πρὸς τὸ τῶν Ἀχαιῶν σύστημα.

He added his city to the Achaeian League. Ibid., II, 41, 15.

Seven cities were now in strict union; the steps by which the two eastern cities of Aegira and Pellene were recovered are not known, but their annexation could not have been long delayed; and the inland city of Leontium, already hemmed in by the territory of the liberated cities, must have been recovered even sooner. The ten cities of Achaea proper thus formed the revived League in its first estate, and for about thirty years they grew up in peace and obscurity. Their very insignificance was no doubt among their advantages, as sheltering them from the notice of enemies.

A germ of freedom was thus allowed to grow steadily up in a corner of Greece, which, if it had appeared at Athens or Corinth, would have been at once crushed in the bud. One city, indeed, immediately after the reconstruction of the League, suffered a blow which forms almost the whole of the external history of Achaea during this period. The people of Patrae crossed over to help the Aetolians, with whom they were then on friendly terms, in their struggle with the Gaulish invaders. The Patrian contingent suffered so severely that this loss, combined with the general poverty of the time, led most of the inhabitants to leave the city of Patrae, and to found smaller towns in the adjoining territory. It does not, however, appear that this process at all affected the political position of Patrae as an Achaean city;⁴⁰ the inhabitants

⁴⁰Pausanias, VII, 18,6. He goes on to say that the city was restored by Augustus and raised to the rank of a Roman colony.

of Argyra, Bolime, and the other country towns, doubtless retained their patrician franchise, just like Athenian citizens living in an Attic demos. And indeed the Gaulish invasion itself, by its temporary overthrow of the Macedonian power, must have conferred indirect benefits on the League in general which far more than counterbalanced any losses sustained by the single city of Patrae.

During this time there are only two names of individuals which can be connected with the course of Achaean history; these are two citizens of the small town of Caryneia, Iseas and Marcus. Of neither of them is much recorded. Twenty years after his first appearance Marcus was chosen the first sole General of the League, an office which he served with honor;⁴¹ twenty-six years later still, the noble old man, still in the active service of his country, perished in a sea-fight against the pirates of Illyria.⁴² He would almost appear to have been the Washington of the original League, though his fame has been obscured by the later and more brilliant services of Aratus. The very name of the hero, Italian rather than Greek, raises curiosity as to his origin and history. He was a citizen of Caryneia, but he is found acting in the interests of the League, and apparently as the leader of its councils, at a time when Caryneia itself was still under the sway of its

⁴¹Polybius, II, 10.

⁴²Ibid., II, 43.

tyrant. Marcus was the chief leader⁴³ in the movement, of whatever nature it was, by which the liberated cities were able to extend their help to the patriots of Boura. It is impossible to believe that Marcus can have been at this time an inhabitant of his native town. It can hardly be doubted that he was an exile in the cause of freedom, who offered his services to the infant League, and was most likely admitted to the citizenship of one of its members.

Iseas, the Tyrant of Marcus' own city, was the first of several tyrants who had the wisdom and magnanimity to give up their ill-gotten and dangerous power, and to confine their ambition within the bounds of such honors as a free state can confer upon its citizens. Of his subsequent career nothing is known; Polybius does not tell us whether Iseas lived to know how much really greater is the position of the republican magistrate than that of the despotic prince. But the conduct of Iseas shows a prudence or a magnanimity, or rather an union of the two, which at once stamps him as no common man. And it is honorable to the otherwise insignificant town of Caryneia to have produced the only two men whose names are known during this first period of the League's history.

Unobserved, apparently, and uncared for, the ten Achaean cities had time to strengthen their habits of freedom and good

⁴³Ibid., II, 41.

government, to develop their political constitution, and gradually to prepare themselves for the day when their League was to step forward as the general champion of Grecian freedom and as one of the great political lights of Greece and of the world.

CHAPTER II

ACHAEA: A FEDERAL UNION

It must have been in the course of these years, during which the League was growing up in peaceful obscurity, that that federal constitution was formed which was afterwards extended over so large a portion of Greece. As usual, however, any account of it must be framed from incidental notices, from general panegyrics, and from records of particular changes in detail. It is impossible to lay hands on any one document, on any formally enacted federal constitution, to serve as a decisive authority in one's inquiries. But, though no such document has survived to the present day, one has every reason to believe that the Achaean Constitution, unlike the British Constitution, was enacted and recorded by public authority.

The first union of the four cities was looked upon as a mere revival of the old League, probably on the laxer terms of union on which that old League seems to have been formed. It has been seen that it did not hinder Patrae from acting independently of its confederates in the Gaulish War,¹ just as it was seen that Pellene,

¹See above, p. 13.

under the old League, acted independently of its confederates in the Peloponnesian War.² Such a course would have been contrary to every principle of the federal constitution in the days of its maturity. Most probably, when all the surviving cities of Achaea were reunited, the union was intentionally made more intimate, and its terms were enacted and recorded by common consent. As Bishop Thirlwall notes: "A column was now erected, inscribed with the names of the confederate towns, and with the conditions of their union."³ No such document, however, is preserved to the student of Achaean History; and it is necessary to form any ideas of the Achaean Constitution chiefly from the incidental notices and general comments of Polybius, and from such further incidental notices as are to be found in writers like Plutarch, Pausanias, and Strabo.

Polybius unfortunately does not begin his detailed narrative till a later period, when in truth the most interesting portion of the League's history has passed by. Of its foundation and its earlier fortunes he gives a mere sketch, but there is abundant evidence to show that the federal constitution was formed while the League still embraced only the small cities of the Original Achaea. The greater cities which afterwards joined the union were admitted into a body, the relations and duties of whose members

²See above, p. 4

³Thirlwall, VIII, 89-90.

were already fixed and well understood. This will plainly appear, if only from one or two points in the Constitution which were suited only to the circumstances of the original Achaean cities, and which were found to be a source of inconvenience, and even of unfairness, when the union was extended over a wider territory.

The whole Constitution of the League was democratic. In his History of Greece Polybius constantly praises it as the truest and purest of all democracies.⁴ Yet it is very easily seen that democracy in Achaea was practically a very different thing from democracy at Athens. It is possible that Polybius might have looked upon the Constitution of Athens as an ochlocracy⁵ as opposed to the true democracy of his own land. But the fact rather is that in theory Achaea was as strictly democratic as Athens, but that the circumstances of the League unavoidable tempered the Achaean democracy in practice in a way in which nothing occurred to temper the Athenian democracy. In both alike the sovereign power was vested in a popular assembly, in which every free citizen had an

⁴ ἰσηγορίας καὶ παρρησίας καὶ καθόλου δημοκρατίας ἀληθοῦς σύστημα καὶ προαίρεσιν εἰλικτινεστέραν οὐκ ἔυροι τις τῆς παρὰ ἑτοῖς Ἀχαιοῖς

One could not find a political system and principle so favourable to equality and freedom of speech, in a word so sincerely democratic, as that of the Achaean League. Polybius, II, 39. One can find many other references to the democratic spirit of the League scattered throughout Polybius' entire work.

⁵ Government by the mob.

equal right to attend, speak, and vote. In both alike the people, and the people alone, enacted laws, elected magistrates, contracted alliances, declared war and peace. But in Achaea conditions which never arose at Athens modified this popular sovereignty in many ways. Far greater legal power was placed in the hands of the particular magistrates. Far greater power if an indirect, though not an illegal, kind was thrown into the hands both of magistrates and other leading men. The assembly indeed always remained the supreme and undisputed authority, but the powers even of that sovereign body would have appeared sadly curtailed in the eyes of a democrat whose ideas were formed solely on Athenian models.

The constitution of the League was strictly federal. Every city remained a distinct state, sovereign for all purposes not inconsistent with the higher sovereignty of the federation, retaining its local assemblies and local magistrates, and ordering all exclusively local affairs without any interference from the central power. There is no evidence that the federal government, in its best days, ever directly interfered with the internal laws, or even with the political constitutions, of the several cities. Cynaitha, after her union with the League, retained her local polemarchs,⁶ and Aratus himself was once chosen General of the State of Argos, as an office quite distinct from that of General

⁶Polybius, IV, 18.

of the League.⁷ So little indeed did the federal power meddle with the internal affairs of the several cities that it tolerated distinctions within their territories which seem hardly in accordance with the principles of universal equality on which the League itself was founded. That the League did not interfere with the peculiar relations between Patrae and her townships is not surprising; they did not interfere with the full Patrian citizenship of their inhabitants.⁸ But Megalopolis certainly,⁹ and Corinth probably,¹⁰ had subject districts, whose inhabitants appear to have had no direct share in the general federal citizenship.

Though the several cities remained internally independent, it cannot be doubted that their close union for all external purposes strongly tended to assimilate them to one another in their

⁷Plutarch, Aratus, 44.

⁸See above, p. 12.

⁹"We are informed that Philopoemen was moved by resentment for this affront to aid several of the subject Arcadian towns in an attempt which they made to deliver themselves from their dependence on Megalopolis." Thirlwall, VIII, 364. It is possible that these townships may have been more analogous to the Patrian townships mentioned in p. 12.

¹⁰Strabo's account (VIII, 6, 22) of Tenea in the Corinthian territory sounds very much as if it had been a subject city of Corinth. He mentions that Tenea prospered more than the other settlements of Corinth and, after having revolted from the Corinthians, joined the Romans and endured long after the destruction of Corinth.

internal constitution and laws. It can hardly be supposed that the political constitution of any member of the League was other than democratic. The same phenomenon is seen in the United States. The federal constitution merely provides that each state shall have a republican government¹¹ and shall not grant any title of nobility;¹² within these limits it may be as oligarchic or as democratic as it pleases. Any state that chose might transact all its affairs in a primary assembly like that of Athens, and might give its chief magistrate no higher powers than those of an Athenian Archon. Or, to come to differences which have really existed, the elective franchise in different States has at different times varied from universal suffrage and no property qualification to the requirement of a considerable freehold both in the elector and in the representative. And the Federal Constitution of the United States respects all systems alike; the federal franchise belongs to those, few or many, who possess the franchise in their own state.¹³ But the different States have, since the establishment of the federal union, moved with remarkable accord

¹¹The Constitution of the United States, Article IV, Section 4.

¹²Ibid. Article I, Section 10, Clause 1.

¹³Ibid., Article I, Section 2, Clause 1. "...The Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature." Also confer Amendment XVII.

in two directions. All have advanced in a democratic path by abolishing property qualification, and all but one¹⁴ have advanced in what was once thought to be an aristocratic path by establishing two legislative chambers.

So in Achaean a local oligarchy in any particular city could not possibly have kept its ground, while the constitution of the League itself and the local constitutions of the other cities were all of them democratic. It seems certain also that a citizen of any Achaean city was admitted to at least the private rights of citizenship, those of intermarriage and possession of landed property, in the other cities of the League. This much, at least, seems implied in the words πολιτεία and συμπολιτεία which are so often used. Accordingly it is found that Aratus, a citizen of Sicyon, had a house at Corinth.¹⁵ When the League was broken up by the Romans, this intercommunion of property between different cities was forbidden.¹⁶ But it is hardly likely that an Achaean citizen could, as a citizen of the United States can, exchange at will, or after a short time of residence, the franchise of his native state for that of another.¹⁷ But the tendency to assim-

¹⁴Nebraska

¹⁵Plutarch, Aratus, 41.

¹⁶Pausanias, VII, 16, 9.

¹⁷The election of Aratus as General of Argos seems to have been an exception rather than the rule.

lation among the several cities was very strong. In the later days of the League it seems to have developed with increased force, till at last Polybius could say that all Peloponnesus differed from a single city only in not being surrounded by a single wall.¹⁸ The whole peninsula employed the same coinage, weights, and measures, and was governed by the same laws, administered by the same magistrates, senators, and judges.

But while the Achaean Constitution strictly respected the local rights of the several cities, it in no wise allowed their local sovereignty to trench upon the higher sovereignty of the League. There was an Achaean nation,¹⁹ with a national assembly, a national government and national tribunals, to which every Achaean citizen owed a direct allegiance. The whole language of Polybius shows that every Achaean citizen stood in a direct relation to the federal authority, and was in full strictness a citizen of the League itself, and not merely of one of the cities which composed it. The Achaean cities were not mere municipa-

¹⁸Polybius, II, 37. The identity there spoken of seems merely to express the result of the assimilation spoken of in the text. It need not imply any compulsory introduction of uniformity, still less any extension of the powers of the federal body in later times.

¹⁹The difference between *ἔθνος* and *πόλις* in the political language of Polybius, is that between a federal state and a single city. Livy habitually represents the words by gens and civitas. He also often uses populus in the sense of state as a member of a League.

lities, but sovereign commonwealths.²⁰ But in all external matters, in everything which concerned the whole Achaean body and its relations to other powers, the federal government reserved to itself full supremacy.

No single city of the Achaean League could, as no single State of the United States can,²¹ of its own authority, make peace or war, or commission ambassadors to foreign powers. But it would appear that the separate action of the several cities was not quite so rigidly limited in the last respect as it is in the United States. The reason for the difference is obvious. The American states, before their union into a federal republic, had been mere colonies, mere dependencies of a distant Kingdom. Independent diplomatic action was something to which they had not been accustomed, and which they could cherrfully do without. It was a great advance in their condition when the right of acting on their behalf in dealings with other nations was transferred, from a King over whom they had no control, to a federal president in whose appointment they themselves had a share. But the cities of the Achaean League, those at all events which lay beyond the limits of the original Achaea, had been, before their union, absolutely independent powers, accustomed to carry on wars and negotiations in

²⁰In Greek phrase, πόλεις and not ὅμοι.

²¹The Constitution of the United States, Article I, Section 10.

their own names without reference to any superior authority. Even the rule of a tyrant did not destroy this sort of independence; a single citizen indeed usurped powers which belonged by right to the whole body of citizens, but they were not transferred to any individual or any assembly beyond the limits of the city. When the tyrant was overthrown, this power, with the other powers which he had seized, at once reverted to the people of the city.

The right of direct intercourse with foreign powers is one of the last which an independent city or state is willing to surrender to any central power, as may be seen in the history of both France and Germany. For Sicyon, or Mantinea, or Megalopolis to forego this high attribute of sovereignty, and to entrust powers which it had once exercised without restraint to an assembly in which it had only one voice among many, was really no small sacrifice for the public good. It is rather to be wondered at that it was so easily surrendered by so many Peloponnesian cities, and that the loss was for the most part so peaceably acquiesced in.

But while an ambassador sent to or from New York or Illinois is a thing unheard of, an ambassador sent to or from Corinth or Megalopolis was a thing rare indeed, and perhaps irregular, but not absolutely without precedent. The Corinthians, after their union with the League, received separate ambassadors from Rome,²²

²²Polybius, II, 12.

before Rome was dangerous. On this embassy the explanation of the apparent breach of rule is probably to be found in the religious character of the mission. The Roman envoys were received by the Corinthians, not as members of the Achaean League, but as administrators of the Isthmian games. In this character, they must have been in the habit of receiving the *θεσπίαι* of Greek cities. As the administration of the games always remained a matter purely of state, and not at all of federal, concern, the reception of this political sort of embassy must have been held not to interfere with the general external sovereignty of the League. Thus this embassy came on a purely honorary errand; another embassy had transacted the political business between Rome and the League.²³ Still, whether of right or of special permission, the single city of Corinth did give audience to the ambassadors of a foreign power.

It is quite possible that for a single city to receive an embassy was not so strictly forbidden by the federal constitution as it was for a single city to commission an embassy. This last, it is clear, was forbidden by the general law of the League, just as it is forbidden by the Constitution of the United States.²⁴

²³Ibid., II, 47.

²⁴The Constitution of the United States, Article I, Section 10, Clause 1. The looser Confederation of 1778 only forbade the receiving or sending ambassadors "without the consent of the United States in Congress assembled." (Articles of Confederation, Article VI)

Cases, however, occur in the course of Achaean history both of the law being dispensed with and of the law being violated. There exists a full account of one very curious instance of a single city entering into diplomatic relations with a foreign power by special permission of the national congress.²⁵ The fact that such a permission was asked shows that, without it, the proceeding would have been unlawful, but the fact that the permission was granted equally shows that the request was not looked upon as altogether unreasonable and monstrous. The occasion was no other than the fatal application to Macedonia for aid against Sparta, which was first made by an embassy sent from the single city of Megalopolis, but with the full permission of the federal body. This is perhaps the only recorded case of a breach of rule during the good times of the League; and this took place during a time of extreme danger.

In later times, when unwilling cities were annexed to the League by force, and when Roman intrigue was constantly sowing dissension among its members, there are found not unfrequent instances of embassies sent from particular cities to what was practically the suzerain power. The old law now needed special confirmation. It was agreed, in the first treaty between Achaean and Rome, that no embassy should be sent to Rome by any particular

²⁵Polybius, II, 48-50.

Achaean city, but only by the general Achaean body.²⁶ But this agreement was of course broken whenever its violation suited Roman interests. Sparta especially, and Messene, cities joined to the League against their will, were constantly laying their real or supposed grievances at the feet of the Roman Senate. Here again may be learned the lesson that a federal body can drive no strength from the incorporation or retention of unwilling members.

The object of the Achaean League was the union of all Peloponnesus, or, it may be of all Greece, into a free and equal democratic confederation. Such at least was the wide scope which it assumed in the days of its fullest development. Clearly there were defects in the general constitution of the League, but its objects were as wise, generous, and patriotic as any state or any man ever labored to effect. Other Greeks had worked mainly for the mere aggrandizement of their own cities, but the citizens of Achaea spent and were spent in the still nobler cause of Hellas.

From one point of view one is tempted to regret that their lot had not been cast in an earlier day, and that an effective federal system had not been long before established in Greece. The establishment of such a system might indeed have saved Greece from many evils, but it was at once utterly impossible and, in the general interests of the world, utterly undesirable. A federal system in the days of the Athenian and Spartan greatness might

²⁶Pausanias, VII, 9, 4.

have spared Greece the miseries of Athenian and Spartan warfare; it might have saved her from Macedonian conquest; it might even have warded off, or at least delayed, her ultimate subjection to Rome. But Greece, united in a federal bond, could never have become the Greece which has challenged the love and admiration of all succeeding ages. The brilliant development of Hellenic greatness, alike in war, in politics, in art, in literature, was inseparably linked to the system of independent city-states. The dissension and the wars of Greece are the price which she paid for becoming the world's teacher for all time. Again, had Greece never sunk beneath the armed force of Macedonia and Rome, she would never have won the Macedonian and the Roman as the permanent apostles of her civilization and intellectual life. It was well that Greece was disunited; it was well that Greece was conquered; but it was well also that she should revive, if only for a moment, to give the world the first great example of a political teaching of yet another kind.

Greece had already done her work as the land of autonomous cities; she was now to give mankind a less brilliant, but more practical, lesson in the way of free government on a more extended scale. Positively indeed but little was done; all Greece was never united even in a nominal bond; even all Peloponnesus was at best only nominally united after the true glory of the League had passed away. Yet it was something, even in its own day, to re-

store freedom to a considerable portion of Greece, to give the liberated cities some generations of free and orderly government, to render the inevitable fall of Greece at once more gradual and less disgraceful; and it was yet more, in the history of the world, to give to the political thinkers of after times one of the most valuable subjects for reflection which all ancient history affords.

CHAPTER III

HISTORICAL COMPARISON: PART I

The supreme power of the Achaean League was vested in the sovereign popular assembly. This was the Congress of the Union, differing from the Congress of the United States mainly in this, that according to the common political instinct of the Greek mind, it was a primary and not a representative assembly.¹ There can be no doubt that every citizen of every city in the League, at all events every citizen who had attained the age of thirty years,² had a right to attend, speak, and vote. Every free Achaean, no less than every free Athenian, could give a direct voice in the election of the magistrates by whom he was to be governed, in the enactment of the laws which he was to obey, and in the declaration of the wars in which he might be called on to bear a part. The Achaean Constitution, therefore, is rightly called a democratic constitution.

¹It is spoken of as 'Ἀχαιοί, ἔθνος, σύναδος, πλῆθος. (Polybius, IV, 9, 10; V, 1; XXI, 7; XXXVIII, 2; XL, 4)

²So Bishop Thirlwall (VIII, 91) infers from Polybius, XXIX, 9, when he says: "In this assembly every Achaean who had completed the age of thirty had a vote, and was allowed to speak; and in this franchise the democratical character of the constitution mainly consisted."

And yet nothing is plainer than that the practical working of democracy in Achaea was something altogether different from the practical working of democracy at Athens. At first glance one might almost be tempted to call the Achaean Constitution practically aristocratic rather than democratic. It is evident that birth, wealth, and official position carried with them an influence in Achaea which they did not carry with them at Athens. The Athenian Assembly was sovereign in the very highest sense. Demos was tyrant, and he did not shrink from the name;³ the assembled people were not only a congress or parliament, but also a government; an eloquent speaker might wield the fierce democracy at pleasure, but a private citizen could do so just as easily as the highest magistrate. The assembly, in short, was really a master, and the magistrates were its mere servants to carry out its bidding. But in the Achaean democracy is found a wholly different state of things. There is found a president of the union with large personal powers, a cabinet council acting as the president's advisers, and a senate invested with far higher functions than the mere committee of the assembly which bore the same title at Athens. In short, at Athens the people really governed; in Achaea they did little more than elect their governors and say eye or no

³Thucydides, II, 63. In his famous funeral oration, Pericles confesses that the Athenian Empire, which might have been wrong to have assumed, but which was certainly dangerous to let go, holds each Athenian citizen in its tyranny.

to their proposals.

It will be at once seen that these differences all tend to make the Achaean Constitution approach, far more nearly than that of Athens, to the state of things to which men were accustomed in modern republics and most especially in the United States. They all spring from the different position of democracy as applied to the single city of Athens and democracy as applied to a federal state embracing a large portion of Greece. The Athenian Assembly was held at a man's own door; the Achaean Assembly was held in a distant city.⁴ It follows at once that the Athenian Assembly was held much oftener than the Achaean Assembly and was much more largely attended by citizens of all classes. The Athenian Assembly was held three times each month; the Achaean Assembly was held of right only twice each year.⁵ The poorest citizen could regularly attend at Athens, where a small fee recompensed his loss of time; the poor Achaean must have been unusually patriotic if he habitually took two journeys in the year at his own expense to attend the Assembly at Aigion. For the Athenian treasury could

⁴Some of the Attic Demoi were undoubtedly further from Athens than some of the old Achaean towns were from Aigion; but no point of Attica was so distant from Athens as Dyme, for instance, was from Aigion, so that, on the whole, the rural Athenians were nearer to the capital than the Achaeans were to the seat of the federal government.

⁵Polybius, II, 51. A special session of the Achaean Assembly could be called if the federal government thought it necessary.

easily bear the small fee paid to the citizens for attendance in the Assembly, but no amount of wealth in the federal treasury of Achaea could have endured such a charge as the payment of traveling expenses and recompense for loss of time to the whole free population of Argos and Megalopolis. The poor Athenian then was both legally and practically the political equal of his richer neighbor, while the poor Achaean, though he labored under no legal disqualification, labored under a practical disqualification almost bordering on disfranchisement.

The Achaean Assembly practically consisted of those among the inhabitants of each city who were at once wealthy men and eager politicians. Those citizens came together who were at once wealthy enough to bear the expense of the journey, and zealous enough to bear the trouble it entailed. It was, in fact, practically an aristocratic body, and it is sometimes spoken of as such. Its aristocratic character may have been slightly modified by the possible presence of the whole citizen population of the city where the Assembly met. But it may be doubted whether even they would, on ordinary occasions, be so eager to attend an Assembly of such a character as they might have been if the democratic spirit had been more predominant in it. But, if they did, though some effect is always produced by the presence and the voices of any considerable body of men, still, as they could at most control a single vote, their presence would be of but strictly constitu-

tional importance. The Congress, democratic in theory, was aristocratic in practice. This contrast of theory and practice, which runs through the whole of the Achaean institution, was fully understood by the framers of the Constitution of the United States. Alexander Hamilton deftly expressed the opinions of many of the leading politicians of his day when he wrote:

The people can never err more than in supposing, that by multiplying their representatives beyond a certain limit, they strengthen the barrier against the government of a few. Experience will for ever admonish them, that, on the contrary, after securing a sufficient number for purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives. The countenance of the government may become more democratic; but the soul that animates it will be more oligarchic. The machine may be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.⁶

But though the democratic Constitution of Achaea produced what was practically an aristocratic assembly, it must not be thought that Achaean democratic institutions were mere shadows. The working of the federal constitution was aristocratic, but it was not oligarchic. The leading men of Achaea were not a close and oppressive body, fenced in by distinct and odious legal privileges; their predominance rested merely on sufferance and conventionality, and the mass of the people had it legally in their power to act for themselves whenever they thought good. The

⁶The Federalist, No. LVIII, ed. E.M. Earle, (Washington, D.C.) p. 382.

members of the Assembly, meeting but rarely, and gathered from distant cities, could have had none of that close corporate feeling, that community of interest and habitual action, which is characteristic of the oligarchy of a single city. An Achaean who was led astray from his duty to the national interests, was much more likely to be led astray by regard for the local interests of his own city than by any care for the promotion of aristocracy or democracy among the cities in general. The Assembly had all the generous emotions, all the life, heartiness, and energy, and all the rash impetuosity and occasional short-sightedness, of a really popular body.

The votes in the Assembly were taken, not by heads, but by cities.⁷ This mode of voting was common in the ancient republics,⁸ nor is it at all unknown in the modern world. It was the rule of the American Confederation of 1778,⁹ and the present Constitution of the United States retains it in those cases where the election of a President falls to the House of Representatives.¹⁰ In a pri-

⁷Thirlwall, VIII, 92.

⁸This mode of voting was employed in the Assembly of the Roman Tribes.

⁹Articles of Confederation, Article 5, Section 4.

¹⁰Constitution of the United States, Article II, Section I, Clause 3, and the 12th Amendment. The Confederate Constitution preserved the same rule, and introduced it in another case, namely the voting of the Senate on the admission of new States.

mary assembly, like that of Achaea, it was the only way by which the rights of distant cities could be preserved. Had the votes been taken by heads, the people of the town where the meeting was held could always have outvoted all the rest of the League. This might have been the case even while the Assembly was held at Aigion, and the danger would have been greater still when, in after times, Assemblies were held in great cities like Corinth and Argos. The plan of voting by cities at once obviated this evil.

The same causes which made the Achaean Assembly practically an aristocratic body served also to make its sittings short and infrequent. The League had no capital; there was nothing to tempt men to stay at the place of meeting any longer than the affairs of the nation absolutely required. Every man's heart was in his own city. He went up to do his duty in the Federal Assembly, and to offer sacrifice to the Federal God; but to remain half the year away from his own house and his own fields was an idea which never entered the head of an Achaean politician. The Assembly met of right twice yearly,¹¹ in spring and autumn. The magistrates were

¹¹The two yearly meetings are clearly implied in Polybius, XXXVIII, 2, 3. Roman ambassadors came to the autumn meeting at Aigion. It was agreed that, instead of the Assembly coming to a decisive vote, the ambassadors should meet some of the Achaean leaders in a diplomatic conference at Tegea. Critolaus met them there, and told them that he could do nothing without the authority of the next Assembly, to be held six months after. This was, of course, a ruse, as a special Assembly could have been called, or special powers might have been obtained from the Meeting at Aigion, but the pretext shows the regular course of things.

originally elected at the spring meeting, afterwards most probably in the autumn.¹² The session was limited to three days.¹³ Besides the two yearly meetings, it rested with the government to summon extraordinary meetings, on occasions of special urgency.¹⁴

From the shortness of the Assembly's sessions there naturally followed certain restrictions on its powers, certain augmentations of the powers of the executive government, which to an Athenian would have seemed the utter destruction of all democratic freedom. It has been thought that, in an extraordinary Assembly at least--and an extraordinary Assembly would, almost by the nature of the case, have to deal with more important business than an ordinary one--a majority of the executive cabinet could legally refuse to allow any question to be put to the vote.¹⁵ This seems at least doubtful;¹⁶ but it is evident that, in a session of three days,

¹²Thirlwall, VIII, 295.

¹³Polybius, XXIX, 9. Livy, XXXII, 22. Both of these are cases of an extraordinary meeting. If this rule prevailed on such occasions, much more would it in the common half-year meetings.

¹⁴Polybius, V, 1. In one case (Polybius, IV, 7) we meet with a strange phenomenon of a military assembly. The ordinary assembly voted that the General should summon the whole force of the League in arms, and that the army thus assembled should debate and determine on the course of action to be followed.

¹⁵Thirlwall, VIII, 91-92.

¹⁶The passage referred to by Bishop Thirlwall is Livy, XXXII, 22. In the author's opinion this passage does not prove that they had the power to refuse to put any question to the vote.

the right of private members to bring in bills, or even to move amendments, must have been practically very much curtailed. No doubt the initiative always practically remained in the hands of the government. In an extraordinary assembly it was so in the strictest sense, as such an Assembly could only entertain the particular business on which it was summoned to decide.¹⁷ And in all cases, what the Assembly really had to do was to accept or reject the ministerial proposals, or it may be, to accept the proposals of the leaders of the opposition.

The ordinary Assemblies were, at least during the first period of the League, always held at Aigion; but it seems to have been in the power of the government to summon the extraordinary Assemblies, as at any time, so in any place, which might be convenient.¹⁸ Aigion had been chosen as the place of meeting for the original League¹⁹ because it was the most important of the old Achaean cities after the destruction of Helice. In after times it was at least as well adapted for the purpose for an opposite reason. It might have been the greatest member of the original Achaean League, but it was insignificant in comparison with the power-

¹⁷Livy, XXXI, 25. Non licere legibus Achaeorum de aliis rebus referre, quam propter quas convocati essent.

¹⁸Thirlwall, VIII, 286.

¹⁹Strabo, VIII, 7, 3.

ful cities which were afterwards enrolled in the League. Aigion was a better place for the federal government than Corinth or Megalopolis, for the same reason that Washington is a better place for the American federal government than New York. Still, however, a certain dignity, and some material advantage, must have accrued to Aigion from the holding of the federal assemblies, and from the probable frequent presence of the federal magistrates at other times. This may well have aroused a certain degree of jealousy among the other cities for at a later period of Achaean History, Philopoimen carried a measure which left the League without even the shadow of a capital, and prescribed that the federal assemblies be held in every city of the League in turn.²⁰

In discussing Achaean affairs, the author has used the words government, ministers, cabinet, and such like several times. This has been done so of set purpose, in order to mark the most important of all the differences between the city-democracy of Athens and the federal democracy of Achaea. In speaking of Athenian politics no words could be more utterly inappropriate; Demos was at once magistrate and congress; the magistrates whom he elected were simply agents to carry out his orders. This was perfectly natural in a democracy whose sovereign assembly regularly met once in ten days. Another course was equally natural in a democracy

²⁰Thirlwall, VIII, 393.

whose sovereign assembly regularly met only twice each year. It was absolutely necessary in such a case to invest the magistrates of the republic with far greater official powers than any magistrates possessed at Athens from the days of Cleisthenes onwards. It was, in short, necessary to give them the character of what, in modern phrase, is understood by a government, and to confine the assembly to the functions of a congress. The extent of territory led to the infrequent meetings of the Assembly, and infrequent meetings of the assembly led to the increased authority of the magistrates; for a ruling power must be lodged somewhere during the three hundred and fifty-nine days when the sovereign Assembly was not in session.

The federal magistrates of Achaëa are found to act with almost as little restraint as the members of the executive branch of the government of the United States. They are the actual movers and doers of everything, while the functions of the Assembly are nearly reduced to hearing their proposals and saying aye or no to them. And, as the magistrates were themselves elected by the Assembly, it should naturally be expected, what the history of the League shows at almost every step to have been the case, that the vote of the Assembly would be much oftener aye than no. Since the Achaean Assembly was addressed by ministers whom its own vote had placed in office six months before, it would, under all ordinary circumstances, give them a very favorable hearing, and would not

feel that sort of jealousy which often exists between the American Congress and the American President. In fact, the relations between an Achaean government and an Achaean Assembly were in some respects more like those between an English government and an English House of Commons than the relations between an American President and an American Congress. As the Achaean magistrates, being Achaean citizens, were necessarily members of the Achaean Assembly, so in England the government ministers are, by imperative custom, members of the House of Commons.

In Achaea therefore, just as in England, the members of the government could appear personally before the Assembly to make their proposals and to defend their policy. But in the United States the members of the President's cabinet are strictly excluded from seats in Congress,²¹ and the President communicates with that body for the most part only by a written message. Again, as Congress does not elect,²² so neither can it remove, either the President or members of his cabinet. It therefore follows that

²¹The Constitution of the United States, Article I, Section 6, Clause 2.

²²Congress never elects the President freely; under certain circumstances (see Amendment 12) the House of Representatives may have to choose a President from among three candidates already named. The President again may be (Article I, Section 3, Clause 6; Article II, Section 4) deposed by a judicial sentence of the Senate on an impeachment by the House of Representatives. But this of course requires proof of some definite crime; there is no constitutional way of removing him simply because his policy is disapproved.

the legislative and executive branches may remain, during a whole Presidency, in complete opposition to one another. In England the House of Commons does not either formally appoint or formally depose the government, for the simple reason that the government has no legal existence; but it does both in a way which, if indirect, is still highly effectual. In Achaea, the government was, not indirectly but directly, chosen by the Assembly. There was not, any more than in the United States, any constitutional means of removing them before the end of the term of office; a government which had ceased to enjoy the confidence of the Assembly had, therefore, to be constitutionally borne with for one year. But, as their term of office was only one year instead of four, such a season of endurance would be much shorter than it sometimes is in America. Even in England, a government must be weak indeed which, when once in office, cannot contrive to retain power for as long a time as an unpopular Achaean government would ever have had to be. Altogether the general practical working of the Achaean system was a remarkable advance in the direction of modern constitutional government.

CHAPTER IV

HISTORICAL COMPARISON: PART II

The Achaean government, when its details were finally settled, consisted of ten ministers, who formed a cabinet council for the General of the Achaeans, or, in modern language, the President of the Union. Besides these great officers, there was also a Secretary of State,¹ a Vice-General,² and a General of Cavalry.³ It is probable that the latter two functionaries were merely military officers, and did not fill any important political position. It is clear, for instance, that the Vice-General, was, in civil matters at least, a less important person than the Vice-President of the United States. The American Vice-President is ex-officio President of the Senate,⁴ and, in case of any accidental vacancy in the Presidency, he succeeds to the office for the remainder of the term.⁵ But of the Achaean Vice-General nothing is heard in

¹Polybius, II, 43.

²Ibid., IV, 59.

³Ibid., V, 95.

⁴The Constitution of the United States, Article I, Section 3, Clause 4.

⁵Ibid., Article II, Section I, Clause 6.

civil affairs, and if the General died in office, his place for the remainder of the year was taken, not by the Vice-General, but by the person who had been General the previous year.⁶

The active officers of the League in civil matters were clearly the General, the Secretary, and the ten ministers. The exact functions of the Secretary are not described, but it is easy to guess what they were. He was doubtless, as the Secretary of State is now, the immediate author of all public despatches, and in minor matters he may often have been entitled, as the Secretary of State is now, to act on his own responsibility. It is evident from the way in which both Polybius and Strabo speak of it, that the office was one of high dignity and importance.

The Ten Ministers, the cabinet council of the President, are called by various names.⁷ They seem to have been the federal magistrates of the League in its earlier and looser state. Their number ten, as Bishop Thirlwall has observed,⁸ evidently points to the reduced number of the old Achaean cities after the loss of Helice and Olenus. This at once suggests a question as to the position of these magistrates when new cities were added to the

⁶Polybius, XL, 2.

⁷Their formal title was Damiurgi. Polybius, XXIV, 5; Plutarch, Aratus, 43; Livy, XXXII, 22.

⁸Thirlwall, VIII, 91.

League. The number remained unaltered;⁹ and it has hence been inferred that the Cabinet always continued to be filled by citizens of the old Achaean cities.¹⁰ Yet it would be of itself almost impossible to believe that this important office was confined to citizens of the old Achaea, and that an Argive, a Corinthian, or a Megalopolitan would have been ineligible. Had such been the case, one would hardly find Polybius, himself a citizen of a non-Achaean town, using such strong language as he does as to the liberality of the League in extending full equality of rights to every city which joined it, and reserving no exclusive privileges to the elder members.¹¹ In conformity with these professions, the General, as it clearly known, was freely chosen from any of the towns enrolled in the League, and indeed he seems to have been, oftener than not, a citizen of a non-Achaean city. These arguments alone would almost lead one to believe that, when the League had attained its full development, the old number ten, though still

⁹Livy, XXXII, 22.

¹⁰I take this to be Bishop Thirlwall's meaning (VIII, 111) when he says, "Strange as it appears, we are led to conclude that the places in both these boards continued to be filled by Achaeans alone."

¹¹οὐδενὶ γὰρ οὐδὲν ὑπολειπομένη πλεονέκτημα τῶν ἐξ ἀρχῆς, τοῖα δεκνόντα ποιοῦσα τοῖς ἀεὶ προσλαμβανομένοις...

For by reserving no special privileges for original members and putting all new adherents exactly on the same footing... Polybius, II, 38. There are many references to such equality throughout Polybius' entire work.

retained, ceased to have any practical reference to the ancient number of towns, and that the office of Minister, as well as the Presidency, was open to every citizen of the League. It not uncommonly happens, in the growth of constitutions, that numbers of this sort are retained long after they have ceased to have any practical meaning. So the Ten Achaean Ministers may have once really represented the Ten Achaean Towns, and yet, at all events after the accession of Sicyon, they may have been chosen indiscriminately from any of the confederate cities. But it is not necessary to argue the point from probabilities. There is a full description in Polybius of the proceedings in an Achaean Cabinet meeting,¹² with the names of several of the members. Four of the Ministers are mentioned, and, of these, three, besides the General, are citizens of Megalopolis;¹³ the fourth is a citizen of Aegerra, one of the old Achaean cities.

The exact relation of the Ten Ministers and of the Secretary to the executive chief of the state is not very clearly marked. It must have been essential to the good government of the League that they should be able to work together in tolerable harmony, and that their differences, if they had any, should not go beyond

¹²Ibid., XXIII, 10-12.

¹³Aristainus the General, Diophanes, Philopoimen, and Lycortas, are all from Megalopolis; Archon is from Aigeira. The General himself takes no part in the debate, but his party is outvoted.

a debate and a division among themselves. For Achaean statesmen had certainly not reached that pitch of refinement by which a division in the Cabinet is held to be a thing not to be thought of. They had not discovered that all differences of opinion must be compromised or concealed, or that, if this is impossible, the minority must resign his or their offices, as is the custom in the Cabinet of the United States. But the Achaean Cabinet was directly elected to a definite office to be held for a definite time; if differences of opinion arose among its members, they were simply to be settled by a majority, like differences of opinion in the Assembly itself. In the United States the President chooses his own Cabinet, and that with great freedom of choice. The Achaean President had his Cabinet chosen for him; but then they were chosen along with himself, at the same time, and by the same electors; the majority which carried the election of the President himself would probably seldom give him colleagues who were altogether displeasing to him. If, on some occasions,¹⁴ the General is found disagreeing with his Cabinet, the special mention of the fact seems to show that it was something exceptional.

Altogether the science of electioneering seems to have attained a very fair development in the League. Polybius in one place gives a vivid description of an Achaean "caucus," where

¹⁴Polybius, XXIII, 10; XL, 4.

several leading men of a particular party met to discuss the general affairs of that party, and especially to settle their "ticket" for the next election.¹⁵ They agreed upon a President and upon a General of Cavalry. It is not expressly said that they agreed upon other magistrates as well, but it may be reasonably inferred that they did.

In comparing the constitution of the Achaean League with the Constitution of the United States, it is difficult to avoid designating its chief magistrate by the modern name of President. But it must be remembered that his real official title was Strategos or General. The Achaeans, for the first twenty-five years of their renewed confederacy, elected two Generals. Then an important change was made in the constitution by reducing the number to one. In the emphatic words of Polybius,¹⁶ "they trusted one man with all their affairs." "Now," he continues, "the first man who obtained this dignity was Marcus of Ceryenia."

The practical extent of the General's powers is here plainly set forth. Everything was entrusted to him; he was not indeed to

¹⁵Ibid., XXVIII.

¹⁶Ibid., II, 43.

¹⁷ Εἴκοσι μὲν οὖν ἔτη τὰ πρῶτα καὶ πέντα συνεπολιτεύσαντο μεθ' ἑαυτῶν αἱ προειρημένοι πόλεις. μετὰ δὲ ταῦτα πάλιν ἔδοξεν αὐτοῖς ἓνα καθιστανεῖν καὶ τοῦτο πιστεύειν ὑπὲρ ὅλων. καὶ πρῶτος ἐτῆχε τῆς τιμῆς ταύτης Μάρκος ὁ Καρυνεύς.

rule, like a tyrant, with unlimited powers, or even, like a lawful king, for an unlimited time; he was to govern for a single year with powers limited by law; but, while his term of office lasted, he was to be the Chief of State in a sense in which no man, or body of men, had been chief under the elder democracy of Athens. His will was indeed limited by the necessity of consulting his colleagues in the government and of bringing all great questions to the decision of the sovereign Assembly.

The will of the President of the United States is also limited by the same conditions. He cannot legislate at his own pleasure, in his own name or even in the name of the United States; he can impose no tax, he can touch no man's life or property; he may not declare war or conclude peace without first consulting the Congress of the United States. Yet it is none the less true that the President of the United States may be practically all-powerful; that his colleagues in the government may accept all his proposals; that he alone may be the real mover in everything, possessed of a practical initiative in all matters, and leaving to other branches in the government a mere right to say no, which they probably never think good to exercise.

Such is the power of the President of the United States; such too that of the General of the Achaeans. The League trusted him with all its affairs. The Assembly of course reserved to itself the final power of saying aye or no; but every earlier stage of

every affair--the beginning of all legislation, the beginning of every negotiation,¹⁷ the bringing of all measures up to the point at which they could be brought forward as motions in the Assembly--everything, in short, which the United States looks for at the hands of its President, was left to the discretion of the General, in concert with a body of colleagues who commonly looked up to him as their natural leader.

The whole history of the League shows that the General stood at the head of the League, in a way in which no one stood at the head of any of the earlier Greek democracies, but in a way very like that in which the President stands at the head of the United States. He resembled the American President in being formally elected for a definite time, empowered with a definite authority; but in many respects his duties came nearer to those of the English Prime Minister than to those of an American President. The main difference is one which has been already hinted at, namely that the Achaean President was a member, and the leading member, of the Assembly itself, while the American President is something external to Congress. The Achaean President did not communicate his sentiments by a message, which is usually done by the American President, but by a speech from the floor of the Assembly. It

¹⁷The process of negotiation is clearly set forth in Polybius, XXVIII, 7. A diplomatic communication is first made to the General, who is favorable to it; he then brings the ambassadors personally before the Assembly.

follows, therefore, that he formally made motions on which the Assembly voted, while in the United States the Houses of Congress vote first and send their conclusions to the President.¹⁸ An Achaean federal law was a motion of the General passed by the Assembly; an American federal law is an act of Congress confirmed by the President.¹⁹

There is no evidence that any public officer of the League was paid; there is distinct evidence that some important public officers were not paid;²⁰ and the office of General is distinctly spoken of as one which involved great expense.²¹ None but men who were at once rich, ambitious, and zealous, would or could accept offices which involved onerous duties and large expenses, and which carried with them only honorary rewards. The government of the United States, is, indeed, not an unpaid government but it is a government whose highest members receive salaries barely covering their expenses, and who, therefore, do not seek for office

¹⁸The President may recommend measures to Congress (Constitution, Article II, Section 3), but he cannot make a motion in Congress, like the Achaean General.

¹⁹The Constitution of the United States, Article I, Section 7, Clause 2.

²⁰Polybius, XXIII, 7. Of course I suppose only the higher officials to have been unpaid. In Achaea, as everywhere else, there must have been plenty of paid subordinates.

²¹Ibid., XXVIII, 7. There is also mention of official Achaean embassies being sent at the expense of the General.

as a source of personal gain.

The author will now attempt to gather what information he can from his authorities as to the exact legal powers of the Achaean General and his Cabinet. The power of summoning extraordinary Assemblies was vested in the General acting with the concurrence of his Cabinet.²² But the formal presidency of the Assembly, and the duty of putting questions to a vote, clearly rested with the Ten Ministers and not with the General.²³ The reason is obvious. The General was necessarily an important speaker; he had to explain and to defend his policy; he would have been as unfit to act as President of the Assembly as the President of the United States would be to act as Speaker of the House of Representatives. Theoretically the same objection might seem to apply to his ten colleagues; they were as responsible as he was for the measures on which they had to take the votes of the Assembly. But they were not so personally bound as he was to be active speakers in their behalf.

Out of the Assembly, the General and his Ministers doubtless acted in concert in all important civil business. On some great occasions the whole government is distinctly seen acting together. For instance, Aratus, the most famous General of the League, and his Ten Ministers all went to meet King Antigonus, and to make

²²Ibid., V, 1.

²³Livy, XXXII, 22.

arrangements with him for his coming into Peloponnesus.²⁴ In short, in all civil and diplomatic business the General acted together with the other members of the government. He was chief of a Cabinet. He could not indeed get rid of a refractory colleague, as the President of the United States can ask for the resignation of one of his cabinet members, but in the good times of the League a General who was in the least fit for his place could always command a majority among his colleagues, and a majority was all that was needed.

In military affairs the case was different. The Ten Ministers were a purely civil magistracy;²⁵ the General, besides being the political head of the state, was also, as his title implies, its military chief, and that with far more unrestrained power than he exercised in civil affairs. The Assembly declared war and concluded peace; but while war lasted, the General had the undivided command of the Achaean armies. He was allowed to act for himself, subject only to the after-judgement of the Assembly, in which his proceedings might be discussed after the fact.²⁶ The American President is indeed, by the Constitution, Commander-in-Chief of the armed forces of the United States;²⁷ that is to say, they are

²⁴Plutarch, Aratus, 43.

²⁵Polybius, V, 8.

²⁶Ibid., II, 48.

²⁷Constitution, Article II, Section 2, Clause 1.

necessarily at his disposal as the chief executive; but it is not implied that the President shall always be the man personally to lead the armies in battle. But in the Achaean League the General was really a general; his command in the field was as much a matter of course as his chief influence in the Assembly; his only official title was a military one,²⁸ although it should be noted that the outward symbol of his office was one purely civil, a seal. The General kept the Great Seal of the League, and his admission to, or resignation of, office is sometimes spoken of as accepting or laying down the Seal.²⁹

The union of military and civil powers in the chief of state doubtless gave greater unity and energy to the League's action; but it undoubtedly had a bad side. It by no means followed either that the wisest statesman would be also the bravest and most skilful general, or that the bravest and most skilful general would also be the wisest statesman. Aratus was unrivalled as a diplomatist and parliamentary leader, but his military career contained many more failures than successes. Could he have divided his duties, the League might perhaps never have been driven to become a suppliant for Macedonian protection.

²⁸Polybius is singularly fluctuating in the various titles which he gives to the Assembly and to the Ministers, but I do not remember that the General is ever called anything but Strategos.

²⁹Plutarch, Aratus, 38.

It is also clear that the union aggravated one difficulty which perhaps can never be entirely avoided in any government where the magistrates are elected for a definite time. Once a year, or once in four years, a governmental crisis comes round as a matter of course. It is felt to be a serious defect in the American system that the President is elected so long before he actually enters into his office. A practical interregnum of some months takes place; the incoming government are still private men; the outgoing government, though still invested with legal powers, cannot venture to use them with any effect in the face of their designated successors. A circumstance recorded by Polybius shows that this difficulty was also experienced in Achaea.³⁰ The Aetolians chose for an attack the time when the official year was drawing to its close, at a time when the Achaean government and forces were sure to be weak. Aratus, the General-elect, was not yet actually in office; the outgoing General, Timoxenus, shrank from energetic action so late in the year, and at last yielded his office to Aratus before the legal time. It is not known exactly how long the Achaean interregnum lasted, but it is evident that here is found an example of the American difficulty, and that aggravated by the fact that the President of the League had himself personally to take the field.

³⁰Polybius, IV, 6, 7.

It may perhaps be doubted whether, in another point, the practice of the League diminished or aggravated an evil which has recently been pointed out in the American system. The power given by the Constitution, and, at one time, often exercised in practice, of re-electing the President, at least for one additional term of office,³¹ has often been made the subject of complaint. It seems to place, it is argued, the Chief Executive of the United States in the somewhat lowering position of a candidate for the suffrages of the citizens; it causes him too often to adopt a policy, which may not in itself be the best, but which may be the most likely to lead to re-election; and it causes the latter part of a Presidency to be often spent in canvassing rather than in governing the affairs of the nation.

The Achaean President held office for a year only; he was incapable of immediate re-election, but he might be chosen again the year after.³² In conformity with this law, Aratus, during his long ascendancy, was commonly elected seemingly quite as a matter of course, in the alternate years. In those years when he was not himself in office, he was often able to procure the election of

³¹The Constitution originally put no restriction upon the re-election of the President; however, it has been recently amended limiting a President to two terms in office. The Confederate States of America made the President incapable of re-election, but gave him a longer term of office, namely, for six years.

³²Plutarch, Aratus, 24.

partisan or kinsman,³³ whose policy he practically guided.

Between the government and the Assembly there stood the Senate. Of this Senate there is very little information available. Its mention in our authorities is not so frequent as one might have expected, and in some passages it is hard to distinguish its action from that of the Assembly.³⁴ There are however other passages which make it clear that the Senate was a distinct body.³⁵ The apparent confusion between the two may arise from the fact that the Senate was essentially a committee of the Assembly, and that a meeting of the larger body probably always involved a previous meeting of the smaller. Nothing is mentioned concerning the exact nature of its constitution, nor anything of its time of meeting, except so far as they were determined by those of the Assembly. However, it is known, from a curious incidental notice,³⁶ that it consisted of one hundred and twenty unpaid members. If this number points to the original ten or twelve Achaean cities, it must be believed that the Senate also, as well as the Cabinet, was afterwards opened to all citizens of the League.

The government brought their proposals before the Senate,

³³Polybius, IV, 6, 7, 82.

³⁴Ibid., XXVIII, 3.

³⁵Ibid., II, 37.

³⁶Ibid., XXIII, 7-8.

for discussion, and perhaps amendment, by this smaller body, before they were submitted to the final decision of the Assembly.³⁷ Ambassadors were introduced to it before their audience in the Assembly, and perhaps in some cases they transacted business with the Senate alone.³⁸ In other instances the Senate might be invested by the Assembly with delegated powers to act in its name. In either case, the Senate would practically discharge the functions of the Assembly.

On the financial system of the Achaeans it is hardly our business to enlarge. But a few points must be mentioned which have a direct bearing on the Federal Constitution. That the Achaean League was essentially a national government, that its laws and decrees were directly binding upon Achaean citizens, can admit of no reasonable doubt. But it is not equally clear that it had in all cases advanced beyond that system of requisitions from the particular members, instead of direct agency on the part of the federal power. It would hardly have been in harmony with the common instincts of the Greek mind to have scattered an army of federal officers, in no way responsible to the local governments, over all the cities of Peloponnesus. And, in truth, questions of taxation by no means held that important place in an ancient Greek

³⁷ Ibid., II, 46.

³⁸ Ibid., XXIX, 8.

commonwealth which is attached to them in every modern state. Probably, under the circumstances of the League, the requisition system was the more convenient of the two; but it is perfectly plain that the Federal Assembly and the Federal Magistracy were powers to which every citizen owed a direct obedience, and not merely an indirect one through the government of his own city. There does exist a glimpse of the federal system of taxation, when certain cities are found refusing to pay the contributions which were due from them to the federal treasury.³⁹ This seems to show that the Federal Assembly, or the government acting by its authority, assessed each city at a certain sum, which the city had to raise by whatever form of local taxation it thought best. And really, though the United States prefer a system of more strictly federal taxation, there seems nothing in the other method which is necessarily inconsistent with the strictest federal unity.

In military matters, the Assembly sometimes required certain cities to furnish particular contingents,⁴⁰ and sometimes invested the General with power to summon the whole military force of the League.⁴¹ Beside these citizen soldiers, the League, according to the custom of the age, made large use of mercenaries, whose pay

³⁹Ibid., IV, 60.

⁴⁰Ibid., V, 91.

⁴¹Ibid., IV, 7.

must have come out of the federal treasury. Out of these two classes of citizen and mercenary soldiers, the League kept up a small standing army, enough at least to supply a few important places with federal garrisons. But, beside what was necessary for these purposes, the League is not likely to have kept any force, whether of citizens or mercenaries, constnatly under arms. However, the extensive military reforms of Philopoimen⁴² show that the citizens must have been in the habit of frequent military training, or he would hardly have had the opportunity of introducing such considerable changes as he did into both the cavalry and the infantry of the League.

⁴²Plutarch, Philopoimen, 7, 9.

CHAPTER V

CONCLUSION

In considering the Constitution of the Achaean League, it is impossible to avoid comparing it, almost at every step, with the Constitution of the United States of America. If some points of diversity have been pointed out, it is because the general likeness is so close that the slightest unlikeness at once makes itself evident. The two constitutions are as like to one another as, under their respective circumstances, they could be. They arose in different quarters of the globe, among men of different races and languages, and with an interval of two thousand years between the two.

The elder union was a confederation of single cities, which had once been strictly sovereign republics, invested with all the rights of independent powers. The younger union was a confederation of large states, and which, before the War of Independence, never thought of pretending to sovereign rights. Even the New England colonies, though the circumstances of their foundation gave to their early days much greater independence than European colonies commonly possess, were still colonies, and fully recognized their allegiance to the mother-country. With this diffe-

rence in character to start from, it is much more remarkable that there should be any considerable degree of likeness between the two constitutions than that there should be some considerable degree of unlikeness.

The chief differences between them are the natural results of the difference between a confederation of cities and a confederation of large states. From this distinction at once follows the main difference of all, that the Achæan Congress was a primary assembly, while the Congress of the United States is a representative assembly. From this again follow certain differences of detail; the American Congress could be, and is, bi-cameral, which the Achæan Congress could not be; the Achæan President was chosen by congress, or by the nation, while the American President is legally chosen by special electors; the Achæan President was a member, and the leading member, of Congress, while the American President is a power external to Congress. Because of this latter very important point it can be seen that the practical working of the Constitutional Monarchy of England makes a nearer approach to the Constitution of Achæa than is made by the Constitution of the United States.

From a primary assembly, where every citizen has a right to appear, it is obviously impossible to exclude the chief magistrate of the state. So the forms of a modern constitutional monarchy require the actual, though not the avowed, wielder of the royal

power to be himself a member of one or other house of the legislature. But such a position would be hardly consistent with the office of a president whose functions are conferred on him by law and not by an unwritten conventionality. Still the general position of the chief magistrate in the two constitutions is strikingly alike, and the more so when it is remembered that the historical origin of the two offices was wholly different.

The powers of the American President are in many ways supreme; he lacks indeed the power of declaring war, but it is his function to negotiate treaties of peace; he has the command of the national forces; he controls the mass of the national patronage; and he possesses a legislative veto. All these powers are strictly royal; only, when put into the hands of a republican magistrate, they are necessarily limited in various ways. In some instances the confirmation of the Senate is legally required for the validity of the President's acts. In all cases his power is practically limited by the temporary tenure of his office, and by his personal responsibility for any illegal act. Still, limited as they are in the exercise, the powers are in themselves kingly. The President stepped into the king's place and has really more power than a Constitutional King has personally.

Hamilton, in the Federalist,¹ labors hard, as his argument

¹The Federalist, LXIX.

requires, to show the points of difference between the elective and responsible President and the hereditary and irresponsible king. That is, he brings forward the republican limitations of the President's powers more strongly than the kingly nature of the powers themselves. He then compares the President with the governors of particular states, showing that the President's powers do not, on the whole, exceed theirs. But the powers of a state governor are no less kingly within their own range, and they are also kingly in their origin. The governor of the independent state succeeded the governor of the dependent colony, and he, whether elected or nominated, was essentially a reflected image of kingship. The governor of the state retained the position of the governor of the colony, with such changes as a republican system necessarily required. It may be doubted whether republics which had had no sort of experience of monarchical institutions would have invested any single magistrate with the large powers possessed by the American governors.

But the Achaean General did not succeed any king. If there ever was one king who ruled over all the old Achaean cities, it was in a long past and mythical time; the single General succeeded to the functions of the two Generals whom the League originally elected. There was, therefore, nothing kingly about his origin. The Achaeans deliberately decided that one chief magistrate was better than two, and that it was well to clothe that chief magis-

trate with powers unknown to earlier democracies.

The general resemblance between the heads of the two unions is obvious. Whatever be the differences in detail, it may be seen, in both cases, that a highly democratic constitution can afford to invest a single chief with nearly the whole executive power, and it may be seen, in both cases, that so great an extent of legal power is sufficient to gratify the ambition of the citizens who are successively raised to it. Neither union hesitated to create something like a temporary king, and neither union ever fell under the sway of anything like a permanent tyrant. The Achaean and the American Unions stand together as the two democracies which have entrusted a single chief magistrate with the greatest amount of power, and those in which that power has been less abused than anywhere else.

The American Senate is an institution to which there is no exact parallel in the Achaean system. The founders of the Constitution of the United States adopted the general principle of the second chamber from the constitution of the mother-country. They adapted it to republican ideas by making its seats elective instead of hereditary, and they invested it with powers which the British House of Lords did not possess. It is the constitutional check on the power of the President, and it is the special guardian of the rights of the states.

Where the assembly is primary, a second chamber, in the same

sense as the American Senate, cannot exist. It is of the essence of such a chamber that its members should not be at the same time members of the Lower House, but in a constitution like that of Achaea, no citizen, whatever office he may hold, can cease to be a member of an assembly whose very essence is that it comprises all the citizens. The special duties of the American Senate, in Achaea, were part of the duties of the sovereign assembly itself. The assembly finally confirmed the treaties which the General negotiated; the assembly, in which each city had an equal voice, was itself the natural guardian of state independence. The principle of state equality which America confines, in most cases, to one branch of her legislature, was applied in Achaea, in a more rigid form, to her single assembly.²

A less important difference between the Achaean and American Constitutions may be seen in the far higher legal position of the Ministers or Councillors of the Achaean General, as compared with the Cabinet of the American President. But, even here, it may be seen that, in all probability, the Achaean Ministers were practically almost as much the General's chosen councillors as if they had been of his own nomination. Here again the difference arises from the different origin of the two offices. The Achaean Minis-

²In the Achaean Assembly, each city, great or small, had one vote. In the American Senate each State sends an equal number of Senators, but the votes are not taken by States; the Senators of a State may vote on opposite sides of the question.

ters were a magistracy more ancient than the General, by whose powers they must have been thrown somewhat into the background. But of the President's Cabinet the American Constitution makes no distinct mention at all. The different departments of administration were arranged by an act of the first Congress.

Such are the chief points of likeness and of unlikeness between the two great federal democracies of the ancient and modern world. It is singular that the one which was practically the less democratic of the two should be the one which had theoretically the more democratic constitution. Every Achaean citizen was himself a permanent member of congress, with a voice in all federal legislation, in declaring peace and war, and in electing the magistrates of the union. The American citizen, on the other hand, has only a vote in electing the representatives of his state, in electing electors of the President, in electing the State Legislature. Yet nothing is clearer than that the tone and feeling of government and policy is far more democratic in the United States than it was in ancient Achaea. Here again comes in the difference between the primary and the representative system. The primary system, theoretically the most democratic system possible, which invests every citizen with a personal share in the federal government, becomes, in a large territory, practically the less democratic of the two. The franchise which it confers can be exercised only under circumstances which act on the mass of the people as a

practical property qualification.³ The franchise which the American Union confers on every citizen is far more restricted in its powers, but it is one which every citizen can exercise without cost or trouble. The real power of the mass of the people is therefore far greater.

Two constitutions, framed two thousand years and seven thousand miles apart, naturally present no small diversity. Yet after all, the diversity is trifling in comparison with the likeness. Probably no two constitutions, produced at such a distance of time and place from one another, ever presented so close a resemblance to each other, as that which exists between the Constitution of the United States and the Constitution of the Achaean League.

The question, then, naturally arises, was the younger of these two constitutions, so like in their provisions, so distant in time and place, in any degree a conscious imitation of the elder? The author is inclined to think that it was not. The founders of the United States were not primarily scholars, but practical politicians. They were fully disposed to listen to the teaching of history, but they had small opportunity of knowing what the true and uncorrupted teaching of Grecian History really was.

Those chapters of the Federalist which are devoted to the

³The Federalist, LVIII, 318.

consideration of earlier instances of federal government reveal every disposition to make a practical use of ancient precedents, but they show very little knowledge as to what those precedents really were. It is clear that Hamilton and Madison knew hardly anything more of Grecian History than what they had picked up from the Observations of the Abbe Mably. But it is no less clear that they were incomparably better qualified than their French guide to understand and apply what they did know. In treating of the Achaean League, Mably confounds the Assembly with the Senate;⁵ He has hardly any notion of the remarkable powers vested in the General, or as he calls him, the Praetor;⁶ finally, he loads Aratus with praise for that act of his life which Plutarch so emphatically condemns, which Polybius has so much ado to defend, his undoing his own work and laying Greece once more prostrate at the feet of a Macedonian master.⁷

⁴Ibid., XVIII, 91.

⁵"On crea un senat commun de la nation; il s'assembloit deux fois l'an a Egium, au commencement du printemps et de l'automne, et il estoit compose des deutes de chaque republique en nombre egal. Cette assemblee ordonoit la guerre ou la paix. Mably, p. 187.

⁶He does indeed say: "Elle fit la faute heureuse de ne confier qu'a un seul preteur l'administration de toutes ses affaires." This is, of course, a translation of those famous words of Polybius but no words ever stood more in need of comment.

⁷On ne peut, je crois, donner trop de louanges a Aratus pour avoir recouru a la protection de la Macedoine meme, sans une conjoncture fautive ou s'agissoit du salut des Acheens. Ibid., 197.

The comments of the American statesmen on such a text are curious, and more than curious; they are really instructive. Their vigorous intellects seized on, and practically applied, the few facts which they had got hold of, and even from these fictions they drew conclusions which would be perfectly sound, if one only admitted the premisses. They instinctively saw the intrinsic interest and the practical importance of the history of federal Greece, and they made what use they could of the little light which they enjoyed on the subject. One is tempted to wish that they had been able to draw for themselves from the fountain head of Polybius himself.⁸ What use they could have made of such knowledge during the Constitutional Convention in which, it seems, from such journals of that meeting which exist, no mention of or reference to the Achaean League was ever made. Had they known that in the Achaean Assembly, Ceryneia had an equal vote with Megalopolis, how dexterously would they have grappled with the good and evil aspects of such a precedent. How they would have shown that the principle of state equality which the Achaeans thus affirmed was amply secured by the constitution of the Senate,¹⁰ while

⁸The elder President Adams seems to have gone to Polybius, at least in a translation. He gives a long extract on the Achaean History in his Defence of the Constitution, I, 289. But he is far from entering into its practical value like the authors of the Federalist.

⁹See Federalist, LXII, 334.

the unfairness which could not fail to attend this part of the Achaean system was carefully guarded against by the opposite constitution of the House of Representatives.¹⁰ Had they fully realized the prominent position of the Achaean General, so different from anything in earlier democracies, what an example they would have had before them to justify those large powers in the President for which they so strenuously contended.¹¹

But it was really better for mankind, for historical study, that the latter of these two great experiments was made in practical ignorance of the former. A living reproduction, the natural result of the recurrence of like circumstances, is worth immeasurably more than any conscious imitation. It is far more glorious that the wisdom and patriotism of Washington and his associates should have led them to walk unwittingly in the steps of Aratus and his associates, than that any intentional copying of their institutions should have detracted ought from the freshness and singleness of their own noble course. Had it been otherwise, the later generation of patriots might have shone only with a borrowed light. As it is, the lawgivers of Achaea and the lawgivers of American are entitled to equal honor.

In truth the world has not grown old. The stuff of which heroes are made has not perished from among men. When need de-

¹⁰Ibid., LIV, 298.

¹¹Ibid., LXIX, 317.

mands them, they still step forth in forms which Plutarch himself might have portrayed and worshipped. It remains for us to see whether the modern world can attain to another no less honorable form of greatness.

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APPROVAL SHEET

The thesis submitted by William Henry Hogan, S.J.
has been read and approved by three members of the Department of
History.

The final copies have been examined by the director of the
thesis and the signature which appears below verifies the fact
that any necessary changes have been incorporated, and that the
thesis is now given final approval with reference to content,
form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of
the requirements for the degree of Master of Arts.

April 16, 1958
Date

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